



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Kathleen Clarke
Executive Director

Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210

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Salt Lake City, Utah 84114-5801

801-538-5340

801-359-3940 (Fax)

801-538-7223 (TDD)

August 20, 1999

Rex Rowley
Bureau of Land Management
Fillmore Field Office
35 East 500 North
Fillmore, Utah 84631

Re: Conditional Acceptance of Notice of Intention to Commence Small Mining Operations, Jack Wayne Roberts, Three Guys Rock and Gem Mine, S/027/081, Millard County, Utah

Dear Mr. Rowley:

Thank you for forwarding the Notice for Jack Roberts, Three Guys Rock and Gem Project, located in Section 28, T23S, R8W, Millard County, Utah. Your agency's designated number for this project is UTU-070564. Your agency is considering this a transfer from Diversified Stone Products Twin Peaks exploration project, Division file number E/027/036 - our records show BLM file numbers as UTU-070564 and UTU-070671. The Division will accept your recommendation and will close and retire Diversified Stone's exploration file. **Jack Wayne Roberts will now be the party responsible for all mining and reclamation responsibilities at this site.**

As this is an ongoing project, the Division has evaluated the above mentioned Notice under the Small Mining Operation section of our Rules. The information provided in the notice meets the requirements of Rule R647-3 of the 1988 Division of Oil, Gas and Mining Minerals Rules, and Title 40-8, et seq., of the Utah Mined Land Reclamation Act of 1975; however, **payment of the appropriate permit fee is required before this notice can be considered to be in effect under the Division regulations and prior to creating surface disturbances.** The Utah Mined Land Reclamation Act of 1975 [40-8-7(I)] provides the authority for fee implementation which was approved by the Utah Legislature at its 1998 session. Commencing July 1, 1998, the fees are assessed to new and existing notices of intention, and annually thereafter. Mr. Roberts will need to pay the \$100.00 fee to the Division in order for this notice to be considered in effect.

There is no mention of variance requests; therefore, the Division expects that the operator will comply fully with all the applicable "Operation and Reclamation Practices" as described in the small mine notice form. (summary enclosed). A variance request is not required for those practices which apply to features which are nonexistent at the mine site. For example, a variance to the requirement of permanently sealing shafts or tunnels is not required if the mine operation does not include shafts or tunnels.

*It is understood that the Division will notify your office of any permitting concerns we may have, and in turn, your office, acting as 'Lead Agency' will notify the operator accordingly. In the interest of time, we will forward a copy of this letter, along with a billing statement to Mr. Roberts. Acceptance of a mining notice by another agency, **does not** constitute approval to commence operations without first meeting the requirements*

Page 2
Rex Rowley
S/027/081
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and receiving written acceptance from the Division of Oil, Gas and Mining. Nor does approval by the Division of Oil, Gas and Mining constitute approval to commence operations upon lands under state mineral leases/school sections administered by the School and Institutional Trust Lands Administration, or federal lands managed by the Bureau of Land Management (BLM) or United States Forest Service (USFS).

We suggest the operator give special consideration to item #10 of the "Operation and Reclamation Practices." Stockpiling topsoil material prior to beginning mining operations will help ensure successful revegetation efforts upon final reclamation of the mine site. If the area being mined is a solid rock outcrop, or if the land surface is very rocky, then soil stockpiling is probably not possible. However, even the first few inches of undeveloped material is worth saving to aid in later revegetation efforts and future regulatory release from reclamation requirements.

This notice cannot exceed five acres of surface disturbance. If Mr. Cook wishes to expand his operation beyond the five (5) acre limitation, he is advised to notify our office as soon as possible to discuss the necessary permitting requirements. Approval of a large mining notice could take from six to twelve months or longer.

A Memorandum of Understanding between this Division and the State Department of Environmental Quality (DEQ) requires us to notify them upon receipt of a mining application. Mr. Cook is advised to contact their office prior to starting his small mining operation to determine whether additional permits and/or approvals are required. We will forward a copy of this letter and his notice to the DEQ for their review. Their address and phone number is: Department of Environmental Quality, 288 North 1460 West, Salt Lake City, Utah, 84116, (801) 538-6146.

Please provide us with a copy of your final completeness/approval letter to the operator. In addition, if you receive additional information or amendments for this operation, please notify us so we can update our files. Please reference our file number S/027/081 regarding this site. Thank you for your cooperation. When in the area, a member of the Division staff will examine the site. Do not hesitate to call me at (801) 538-5321 if you have any questions regarding this letter.

Sincerely,



Tom Munson
Senior Reclamation Specialist

jb
Enclosure: SMO-NOI Summary
cc: Roger L. Bon, UGS
Jack Roberts, w/enclosure and billing statement
Tony Aguiar, Diversified Stone
File E/027/036
Tracking File
S27-81.noi



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ROBERTS, JACK WAYNE
355 W 500 S
FILLMORE UT 84631

ATTENTION: JACK WAYNE ROBERTS

ANNUAL PERMIT FEE

Annual Permit Fees (July 1999 thru June 2000)

PROJECT NAME	PROJECT ID	ACRES	BILLING DATE
THREE GUYS ROCK & GEM	S270081	NA	08/20/1999
PERMIT TYPE	PROJECT STATUS		ANNUAL FEE
SMALL MINING OPERATION < 5 ACRES	PROPOSED		\$ 100
			PAST DUE
			\$ 0
		DUE DATE	AMOUNT DUE
		09/19/1999	\$ 100

Please see enclosed instructions for payment.

Please retain this portion for your records. For billing information call (801) 538-5291

This portion MUST be returned with your payment to ensure proper credit. THANK YOU

ACCOUNT BILLED				PROJECT NAME		PROJECT ID	
ROBERTS, JACK WAYNE				THREE GUYS ROCK & GEM		S270081	
DUE DATE	ANNUAL FEE	PAST DUE	AMOUNT DUE	<input type="checkbox"/> FEE NOT ENCLOSED	Change of Address		
09/19/1999	\$ 100	\$ 0	\$ 100	Permittee requests an inspection to close out this permit.			
TAX ID OR SOCIAL SECURITY #				Contact _____ Address _____ _____ _____ State _____ Zip _____ Phone _____			

DIVISION OF OIL GAS AND MINING
1594 WEST NORTH TEMPLE SUITE 1210
PO BOX 145801
SALT LAKE CITY UT 84114-5801

**Please make check payable to:
Division of Oil, Gas and Mining**